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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,272	10/31/2000	Paul G. Allen	4000.2.4	9000

32641 7590 01/16/2003

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EXAMINER

DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/703,272

**Applicant(s)**

ALLEN ET AL.

**Examiner**

Jean W. Désir

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2002 (RCE with Amendment).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44,46 and 47 is/are allowed.
- 6) ☒ Claim(s) 28-43 and 45 is/are rejected.
- 7) ☒ Claim(s) 37 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

**NOTE:** Claims 1-20 in the AMENDMENT are renumbered 28-47 respectively.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al (5,699,107).

#### **Claim 36:**

Lawler discloses:

“a television display area to display television content; and a television reminder area to display a reminder for an upcoming television program, wherein the television display area and the television reminder area are to be simultaneously displayed”, see Fig. 9 which clearly shows all the limitations of the claimed invention.

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Claim 37 is disclosed, see col. 3 lines 45-47. **(Note: claim 37 is considered as depended from claim 36, instead of depending from claim 34).**

Claim 38 is disclosed, see Fig. 9 item 154. **(Note: claim 38 is considered as depended from claim 36, instead of depending from claim 34).**

3. Claims 28-30, 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Schindler (6,081,830).

**Claim 28:**

Schindler discloses:

“a television display area to display television content”, see Fig. 3 item 40;

“a communication notification area to display a notification of an incoming communication, wherein the notification is to be displayed without a communication interface for the incoming communication”, see Fig. 3 items 46, 52;

“and wherein the television display area and the communication notification area are to be simultaneously displayed”, see Fig. 3 items 40, 46, 52.

Claims 29, 30 are disclosed see Fig. 3 items 52, 46.

Claim 33 is inherent to Schindler's disclosure.

4. Claims 39, 42, 43, 45, 28-31, 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Noguchi (6,426,779).

**Claim 39:**

Noguchi discloses:

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"a television display area to display television content", see Figs. 13A, 13B;

"a plurality of selectable information categories", see Figs. 13A, 13B;

"and an information display area to display information from a selected category that is customized to a particular viewer, wherein the television display area and the information display area are to be simultaneously displayed", see Fig. 13B.

Claim 42 is disclosed, see Fig. 13A item NEWS.

Claim 43 is inherent to Noguchi's disclosure.

**Claim 45:**

Noguchi discloses:

"a television display area to display television content", see Figs. 13A, 13B;

"a plurality of selectable information categories", see Figs. 13A, 13B;

"an information display area to display information from a selected category that is customized to a particular viewer, wherein the television display area and the information display area are to be simultaneously displayed", see Fig. 13B.

"a communication notification area to display a notification of an incoming communication, wherein the notification is to be displayed without a communication interface for the incoming communication", see Fig. 12D.

**Claim 28:**

Noguchi discloses:

"a television display area to display television content", see Fig. 12D;

"a communication notification area to display a notification of an incoming communication, wherein the notification is to be displayed without a communication

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interface for the incoming communication", see Fig. 12D (MESSAGES You have 11 messages);

"and wherein the television display area and the communication notification area are to be simultaneously displayed", see Fig. 12D.

Claims 29-31 are disclosed, see Fig. 12D.

Claim 33 is disclosed, see Fig. 12E.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 31, 32, 34, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (6,081,830) and DeSimone et al (6,212,548).

Schindler does not explicitly disclose that the incoming communication comprises e-mail message and/or instant message as claimed in claims 31-32, 35. However, Schindler would have rendered the claimed invention obvious. Because the claimed limitations are directed to messages communicate over a network; Schindler's disclosure provides interface for communicating messages over a network; and email and/or instant messages are very well known types of communication over a network (as evidence DeSimone is provided) that would provide users different ways to communicate over a network. Thus, an artisan would be motivated to modify Schindler's

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disclosure to arrive at the claimed invention. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 34 is disclosed in view of the above modification.

7. Claims 40, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi (6,426,779).

Noguchi does not explicitly disclose that the information comprises weather and/or stock information that are customized to a viewer as claimed in claims 40-41. However, (Official Notice is taken) information that comprises weather and/or stock information that are customized to viewer, as claimed, are notoriously well known in the art; an artisan would be motivated to include these information in the Noguchi's disclosure in order to provide viewers with more selectable information categories. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

### ***Claim Objections***

8. Claims 37, 38 are objected to because of the inconsistent language "the reminder" in line 1 of both claims. (This inconsistency can be cured by making them depend on claim 36).

***Allowable Subject Matter***

9. Claims 44, 46, 47 are allowed.

**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Jean W. Désir*** whose telephone number is (703) 308-9571.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***John W. Miller***, can be reached at (703) 305-4795.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

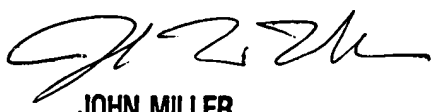
or faxed to:

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

**JWD**  
Jan. 12, 03

  
**JOHN MILLER**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600